

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SUEDE JEFFREY SHUTTLE,

Defendant.

CR 19-59-M-DWM

ORDER

On December 17, 2019, United States Magistrate Judge Kathleen DeSoto ordered that Suede Jeffrey Shuttle be committed to the custody of the Attorney General for a mental evaluation pursuant to 18 U.S.C. § 4241. (Doc. 9.) On February 27, 2020, the Court received the forensic report of Mr. Shuttle's mental examination conducted at the Federal Detention Center at Seattle, Washington. (Doc. 14.) Dr. Cynthia Low, the forensic psychologist who conducted the examination, concluded Mr. Shuttle demonstrates an insufficient ability to understand the nature and consequences of the court proceedings against him and a poor ability to assist counsel in his defense. (*Id.*) She ultimately recommended formal competency restoration procedures. (*Id.*)

A competency hearing was held on March 11, 2020. (See Min. Entry, Doc.

18.) At that hearing, counsel stipulated to the findings and recommendation in the forensic report. Based on counsel's stipulation, the contents of Dr. Low's report, and the Court's colloquy with Mr. Shuttle, the Court determined that a preponderance of evidence supported the conclusion that Mr. Shuttle is presently suffering from a mental disease or defect rendering him mentally incompetent, such that he cannot understand the nature and consequences of the proceedings against him or properly assist in his defense. (Doc. 20.) Mr. Shuttle was therefore committed to the custody of the Attorney General for hospitalization and treatment at a suitable facility for a period of four months to determine if there was a substantial probability that in the foreseeable future he will attain the capacity to permit this case to go forward.¹ (*Id.*)

On November 10, 2020, the Court received a Forensic Evaluation from psychologists Meagan Mckenna and Evan DuBois at the Mental Health Department at FCI Butner, North Carolina. (*See attached*, under seal.) That report is dated October 28, 2020 and concludes that while Mr. Shuttle's "mental condition continues to render him not competent to proceed to trial, . . . there is a substantial probability that in the foreseeable future his symptoms will improve to the point that he will attain the capacity to permit the proceedings to go forward." In so recommending, the Evaluation indicates that Mr. Shuttle has responded

¹ Designation and transfer were delayed by the COVID-19 pandemic.

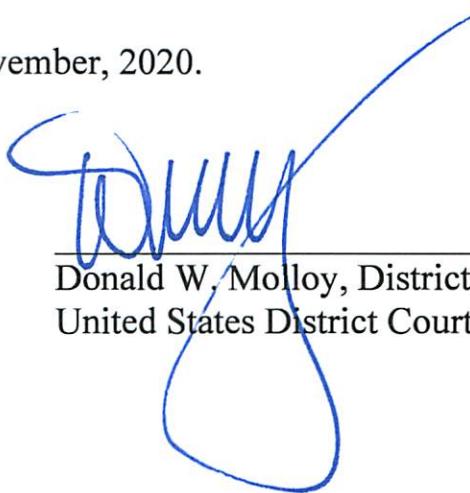
positively to "more regular compliance with psychotropic medication."

Accordingly,

IT IS ORDERED that Suede Jeffrey Shuttle is committed to the custody of the Attorney General for an additional 120 days of hospitalization and treatment at a suitable facility to determine if there is a substantial probability that in the foreseeable future he will attain the capacity to permit this case to go forward. 18 U.S.C. § 4241(d)(2). The Clerk is directed to provide the facility with a copy of this Order. The Attorney General or his representative at the facility to which Mr. Shuttle is committed shall promptly notify the Court of the determination made regarding the probability that Mr. Shuttle will regain capacity to proceed in the foreseeable future.

IT IS FURTHER ORDERED that the time pending a restoration determination is excluded from the speedy trial calculation. *See* 18 U.S.C. § 3161(h)(4).

DATED this 16th day of November, 2020.


Donald W. Molloy, District Judge
United States District Court